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MAIL STOP AMENDMENT
Attorney Docket No. 26773U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BUHR et al.

Serial Number: 10/537,693

Group Art Unit: 1626

Filed: March 13, 2006

Examiner: STOCKTON, Laura L.

For: **4-SUBSTITUTED BENZIMIDAZOLES AND THEIR USE AS INHIBITORS OF GASTRIC SECRETION**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter; and
- (2) Response to Restriction/Election Requirement.

Respectfully submitted,
THE NATH LAW GROUP

By: 

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November 24, 2008

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GMN/SMM/RMJ:FR_TL



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RESPONSE TO RESTRICTION / ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated October 31, 2008. The one-month shortened statutory period for response is set to expire on November 30, 2008. Accordingly, this Response is timely filed within the time period set by the Examiner.

REMARKS

Claims 1-11 and 13 are pending in the captioned application. In the outstanding Official Action, the Examiner has required restriction of claims 1-11 and 13 to one of following inventions under 35 U.S.C. §121 and §372:

- Group I: Claims 1-11, drawn to products of formula 1 wherein X is O and Y is -CH₂-Ar.
- Group II: Claims 1-11, drawn to products of formula 1 wherein X is O and Y is the group gp.
- Group III: Claims 1-11, drawn to products of formula 1 wherein X is NH and Y is the group -CH₂-Ar.
- Group IV: Claims 1-11, drawn to products of formula 1 wherein X is NH and Y is the group gp.
- Group V: Claim 13, drawn to a method of using the products of formula 1 wherein X is O and Y is -CH₂-Ar.
- Group VI: Claim 13, drawn to a method of using the products of formula 1 wherein X is O and Y is the group gp.
- Group VII: Claim 13, drawn to a method of using the products of formula 1 wherein X is NH and Y is -CH₂-Ar.
- Group VIII: Claim 13, drawn to a method of using the products of formula 1 wherein X is NH and Y is the group gp.

ELECTION

Applicants elect Group III, drawn to claims 1-11, without traverse. The elected invention encompasses claims 1-5 and 8-11.

CONCLUSION

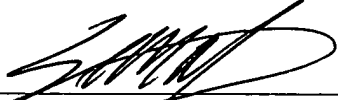
In view of the foregoing, applicants respectfully request the Examiner to examine the claims present in Group III.

If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned attorney.

Respectfully submitted,

THE NATH LAW GROUP

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